

Remarks

The Office Action dated June 20, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Subsequent to entry of this amendment, Claims 1-48 are pending in this application. Claims 1-48 stand rejected. Claims 1, 17, and 33 have been amended.

The rejection of Claims 1, 2, 9-11, 17-18, 25-27, 33, 34, and 41-43 under 35 U.S.C. § 102(e) as being anticipated by Mowery et al. (U.S. 5,983,198) is respectfully traversed.

Mowery et al. describe an inventory control method that monitors product level in customer storage tanks and a delivery scheduling method that utilizes the monitored tank level data. The timing of the delivery is determined by the forecasted usage of material in the tank; the available capacities of neighboring tanks; that a delivery can be made whenever the tank level is in the "delivery zone" (i.e., the amount of material is between the minimum inventory level and the maximum order level, see Figure 4); that a delivery will be made before the tank level reaches the minimum inventory level. Also, the amount of delivery is determined by the available tank capacity; minimum delivery amount for the tank; the maximum delivery amount for the tank; and the available capacities of neighboring tanks (see Col. 9, lines 14-24).

Claim 1 of the present application recites a method of tracking and predicting the capacity utilization of a goods delivery system, "the system having at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date, a respective order, and the number of delivery slots the respective order will fill, said method of tracking capacity

utilization comprising the steps of: getting a respective zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone . . . ".

Mowery et al. do not describe nor suggest a method of tracking and predicting the capacity utilization of a goods delivery system as recited in Claim 1. Particularly, Mowery et al. do not describe nor suggest a goods delivery system having "at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date, a respective order, and the number of delivery slots the respective order will fill". Further, Mowery et al. do not describe nor suggest a method that includes the step of getting a respective zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone. Rather, Mowery et al. describe an inventory control method that monitors product level in customer storage tanks and a delivery scheduling method that utilizes the monitored tank level data. Particularly, as explained on pages 7 and 8 of the present application , the term delivery zone is defined as the broadest geographical area of a delivery agent's territory and includes a zip group where the zip group includes at least one zip code. Also, the maximum number of delivery slots for each delivery day is defined as the total number of slots the delivery agent's vehicles can deliver in the zone and is called the zone maximum. Mowery et al. do not describe nor suggest a zone maximum number of delivery slots nor a respective number of used delivery slots for specific period of time. Specifically, Mowery et al. do not describe nor suggest a geographic delivery zone nor the total slots the delivery vehicles

can deliver. Mowery et al. use the term "delivery zone" but it does not refer to a geographic area. Rather, as shown in Figure 4, the tank "delivery zone" level is the tank level where the amount of material in the tank is between the minimum inventory level and the maximum order level. Also, Mowery et al. describe at Col. 9, lines 20-25 that the amount of the delivery is determined by the available capacity of the tank (capacity L_3 minus ending inventory L_2). Further, Mowery et al. do not describe nor suggest a delivery agent capacity utilization matrix. Rather, Mowery et al. describe an algorithm that calculates the tank material usage and an associated amount needed to keep the amount of material in the tank below a minimum inventory level L_1 . Accordingly, Applicant submits that Claim 1 is patentable over Mowery et al.

Claims 2, and 9-11 depend from independent Claim 1. When the recitations of dependent Claims 2, and 9-11 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that Claims 2, and 9-11 likewise are patentable over Mowery et al.

Claim 17 of the present invention recites "a computer process for tracking and predicting the capacity utilization of a goods delivery system, the system having at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date, a respective order, and the number of delivery slots the respective order will fill, said computer process comprising the steps of: getting a respective zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone . . .".

Mowery et al. do not describe nor suggest a computer process as recited in Claim 17. Particularly, and at least for the reasons explained above, Mowery et al. do not describe nor suggest a goods delivery system having "at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date, a respective order, and the number of delivery slots the respective order will fill". Further, Mowery et al. do not describe nor suggest a computer process that includes the step of getting a respective zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone. Accordingly, Applicant submits that Claim 17 is patentable over Mowery et al.

Claims 18, and 25-27 depend from independent Claim 17. When the recitations of dependent Claims 18, and 25-27 are considered in combination with the recitations of Claim 17, Applicant respectfully submits that Claims 18, and 25-27 likewise are patentable over Mowery et al.

Claim 33 of the present application recites "a method of tracking and predicting the capacity utilization of a goods delivery system, the system having at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date based on a selected potential ship date, a respective order, and the number of delivery slots the respective order will fill, said method of tracking capacity utilization comprising the steps of: getting a respective

zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone . . .".

Mowery et al. do not describe nor suggest a method as recited in Claim 33. Particularly, and for the reasons explained above, Mowery et al. do not describe nor suggest a goods delivery system having "at least one delivery zone comprising a geographic area comprising a zip group having at least one zip code, each delivery zone having a delivery agent capacity utilization matrix comprising a plurality of delivery slots, the goods delivery system providing a respective first potential delivery date, a respective order, and the number of delivery slots the respective order will fill". Further, Mowery et al. do not describe nor suggest a method that includes the step of getting a respective zone maximum delivery slots and a respective number of used delivery slots for a specified period of time within the respective delivery zone. Accordingly, Applicant submits that Claim 33 is patentable over Mowery et al.

Claims 34 and 41-43 depend from independent Claim 33. When the recitations of dependent Claims 34 and 41-43 are considered in combination with the recitations of Claim 33, Applicant respectfully submits that Claims 34 and 41-43 likewise are patentable over Mowery et al.

For the reasons set forth above, Applicant respectfully requests that the Section 102(e) rejection of Claims 1, 2, 9-11, 17-18, 25-27, 33, 34, and 41-43 be withdrawn.

The rejection of Claims 3-8, 12-16, 19-24, 35-40, and 44-48 under 35 U.S.C. § 103(a) as being unpatentable over Mowery et al. is respectfully traversed.

As explained above, independent Claims 1, 17, and 33 are patentable over Mowery et al.

Claims 3-8 and 12-16 depend from independent Claim 1, Claims 19-24 and 28-32 depend from independent Claim 17, and Claims 35-40 and 44-48 depend from independent Claim 33. When the recitations of dependent Claims 3-8 and 12-16, dependent Claims 19-24 and 28-32, and dependent Claims 35-40 and 44-48 are considered in combination with the recitations of Claims 1, 17, and 33 respectively, Applicant respectfully submits that Claims 3-8, 12-16, 19-24, 35-40, and 44-48 likewise are patentable over Mowery et al.

For the reasons set forth above, Applicant respectfully requests that the Section 103(a) rejection of Claims 3-8, 12-16, 19-24, 35-40, and 44-48 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Tersillo", is written over a horizontal line.

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